IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 4593 of 2006

KESHA RAM
V/S
SRIMALI BRAHIMAN SAMAJ VIKAS SAMITI &ANR

Mr. KC SAMDARIYA, for the appellant / petitioner

Mr. KR SARAN for Mr. SAJJAN SINGH, for the respondent

Date of Order : 23.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

By the impugned order, the learned trial court has dismissed the petitioner's application for amendment of the written statement.

By the application the petitioner wanted to incorporate certain facts about the plaintiff having raised certain construction on the land near the suit premises. In the reply to that application the plaintiff has admitted to have raised certain construction like construction of 11 rooms on the ground floor, and one hall on the first floor.

In these circumstances, after arguing for some time both the learned counsel are agreed to the effect that the learned trial court may be directed to consider the

factual averments of the application, and the reply while deciding the main suit without formal amendment in the written statement, and without any further evidence. The writ petition is, therefore, dismissed with the aforesaid direction to the learned trial court.

(N P GUPTA),J.

/sushil/